

ORIGINAL

Before the **DOCKET FILE COPY ORIGINAL**  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In the Matter of:

Court Remand of August 1998 Advanced  
Services Order

)  
)  
)  
)

CC Docket Nos. 98-11, 98-26,  
98-32, 98-91, 98-147

RECEIVED

REPLY COMMENTS OF GTE

OCT - 1 1999

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Gail L. Polivy  
GTE Service Corporation  
1850 M Street, N.W.  
Suite 1200  
Washington, D.C. 20036  
(202) 463-5214

Jeffrey S. Linder  
WILEY, REIN & FIELDING  
1776 K Street, N.W.  
Washington, D.C. 20006  
(202) 719-7000

John F. Raposa  
GTE Service Corporation  
600 Hidden Ridge, HQE03J27  
Irving, Texas 75038  
(972) 718-6969

No. of Copies rec'd  
List ABCDE

C-12

Its Attorneys

October 1, 1999

## Table of Contents

I. INTRODUCTION AND SUMMARY .....	1
II. DSL-BASED ADVANCED SERVICES ARE NEITHER TELEPHONE EXCHANGE SERVICE NOR EXCHANGE ACCESS. ....	3
A. The Definition of "Telephone Exchange Service," Even as Amended, Does Not Encompass DSL-Based Advanced Services. ....	3
B. DSL-Based Services Used To Access an ISP Are not "Exchange Access." .....	8
III. ADVANCED SERVICES ARE NOT SUBJECT TO A MANDATORY WHOLESALE DISCOUNT.....	10
IV. REQUESTS FOR ADDITIONAL REGULATION ARE UNWARRANTED AND OUTSIDE THE SCOPE OF THIS PROCEEDING. ....	13
V. CONCLUSION .....	14

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In the Matter of:	)	
	)	
Court Remand of August 1998 Advanced	)	CC Docket Nos. 98-11, 98-26,
Services Order	)	98-32, 98-91, 98-147

**REPLY COMMENTS OF GTE**

GTE Service Corporation and its below-listed affiliates (collectively, "GTE")<sup>1</sup> respectfully submit their reply comments in the above-captioned proceeding. For the reasons discussed herein, the Commission should find that xDSL services are information access, not exchange access or telephone exchange service. In addition, regardless of its disposition of the definitional issues, the Commission cannot, and in any event should not, require ILECs to offer xDSL services for resale at a wholesale discount.

**I. INTRODUCTION AND SUMMARY**

Contrary to the rhetoric of some parties, the issues in this remand proceeding do not represent an effort "to deny ... competitors the critical pro-competitive rights

---

<sup>1</sup> GTE Alaska, Incorporated, GTE Arkansas Incorporated, GTE California Incorporated, GTE Florida Incorporated, GTE Hawaiian Telephone Company Incorporated, The Micronesian Telecommunications Corporation, GTE Midwest Incorporated, GTE North Incorporated, GTE Northwest Incorporated, GTE South Incorporated, GTE Southwest Incorporated, Contel of Minnesota, Inc., GTE West Coast Incorporated, Contel of the South, Inc., GTE Communications Corporation, GTE Internetworking, and GTE Wireless Incorporated.

guaranteed by the 1996 Act.”<sup>2</sup> Nor do they reflect “the incumbent LECs’ true intent and ceaseless efforts to slow down, if not prevent altogether, the forward march of technology and competition.”<sup>3</sup> No matter how the Commission decides the basic definitional issues, neither GTE nor any other ILEC disputes that:

- Competing providers of advanced services are entitled to interconnect with the ILECs’ local exchange networks pursuant to 47 U.S.C. § 251(a).
- Competing providers of advanced services are entitled to obtain unbundled, conditioned loops in accordance with sections 251(c)(3) and 251(d)(2) of the Act and the Commission’s Rules.
- Competing providers of advanced services are entitled to collocate DSLAMs in ILEC facilities consistent with section 251(c)(6) of the Act.

Consequently, claims that U S West’s interpretation of the Act would undermine advanced services competition are baseless.

This does not suggest that the issues at stake here lack significance. To the contrary, this proceeding affords the Commission another opportunity to assure that it does “nothing to discourage the rapid deployment of advanced services.”<sup>4</sup> Specifically, just as the Commission recently declined to order ILECs to unbundle access to their advanced services equipment, the Commission now should decide that the Act does not compel ILECs to offer advanced services at a wholesale discount. The Commission

---

<sup>2</sup> MCI at 2.

<sup>3</sup> Prism Communication Services at iii; *see also* Rhythms NetConnections at 2 (U S West’s reading of the Act would “pervert the Act’s purposes.”); Advanced Telecom Group, *et al.*, at 2.

<sup>4</sup> News Release, “FCC Promotes Local Telecommunications Competition,” Sept. 15, 1999.

can reach this result either by agreeing with U S West's interpretation of the Act or, as GTE demonstrated in its opening comments, by applying the plain terms of section 251(c)(4).

Against this background, GTE responds below to the major arguments raised by opponents of U S West's position. As GTE showed in its initial comments and reiterates herein, xDSL services (as provided by GTE) are information access rather than telephone exchange service or exchange access. Congress's use of the relevant terms admits no other interpretation. The Commission therefore should reject arguments that xDSL is subject to regulation as an exchange access or telephone exchange service. The Commission also should summarily dismiss requests to use this proceeding to impose additional regulations on ILEC-provided advanced services; these offerings are made in a vigorously competitive marketplace and should be subject to less, rather than more, regulatory intervention.

## **II. DSL-BASED ADVANCED SERVICES ARE NEITHER TELEPHONE EXCHANGE SERVICE NOR EXCHANGE ACCESS.**

### **A. The Definition of "Telephone Exchange Service," Even as Amended, Does Not Encompass DSL-Based Advanced Services.**

The parties contending that DSL-based advanced services should be considered "telephone exchange service" rely on two principal arguments. First, they claim that DSL can be used for purely intraexchange purposes (including voice) and therefore falls within the traditional definition of this term. Second, they assert that the 1996 Act's

amendment to the definition shows that Congress intended the term to be read broadly enough to include DSL services. Neither argument has merit.

As GTE showed in its opening comments, "telephone exchange service" has always been understood to encompass services that (1) are located wholly within an exchange area (or a connected system of exchanges), (2) to furnish "intercommunicating service," (3) which is covered by the "exchange service charge."<sup>5</sup> Some parties nonetheless suggest that DSL-based services are "telephone exchange service" because they can be used for voice,<sup>6</sup> for work-at-home applications involving connection to a local intranet,<sup>7</sup> or to access material cached at an ISP's local point of presence.<sup>8</sup>

These parties are mistaken in claiming that these facts cause DSL-based services to fall into the local exchange category. At most, they suggest that some DSL applications satisfy the first prong of the statutory definition. Two key points remain, however, which show that DSL-based services are not traditional telephone exchange service: they do not permit any-to-any calling (the "intercommunicating" function),<sup>9</sup> and

---

<sup>5</sup> GTE at 6-7.

<sup>6</sup> See, e.g., CoreComm at 13, Sprint at 2-4.

<sup>7</sup> See Wisconsin PSC at 3, MCI at 10.

<sup>8</sup> See, e.g., AT&T at 3, CDS at 4-5.

<sup>9</sup> AT&T argues that DSL service satisfies the intercommunicating requirement because "it permits end-users to establish a connection with any ISP in the exchange, thus allowing end-users to benefit from the economies of its exchange-wide network." This exceedingly narrow interpretation of the intercommunicating prong is at odds with FCC precedent. See Application of BellSouth, 13 FCC Rcd 20599, 10621 & n.64;

(Continued...)

they are charged for separately from the “exchange service charge.”<sup>10</sup> As one data-oriented CLEC summed it up, “DSL does not fall under telephone exchange services because it is not a local service.”<sup>11</sup>

Efforts to read the second clause of the statutory definition to encompass DSL-based services are likewise unavailing. These efforts start from the premise that the addition of the phrase “comparable service” must be read with exceptional breadth to include “the ever-increasing types of calls that do not fit neatly within the rubric of traditional local service, but still share the operative characteristics of traditional service.”<sup>12</sup> There is, of course, no basis in the statute or legislative history to ascribe such broad intent to this amendment. Words in a statute should be given their plain

---

(...Continued)

Application of Midwest Corp., 53 F.C.C.2d 294, 300 (1975). Similarly, Advanced Telcom Group, *et al.* (at 16-17) contend that packet-switched networks permit any-to-any communications. While certainly true in the abstract, this observation is not relevant to the use of DSL-based services at issue here: providing a dedicated connection between an end user and a single ISP.

<sup>10</sup> AT&T suggests that it is form over substance to state that xDSL is not provided for the exchange service charge. AT&T at 11. In reality, there is no other way to read the Act. The exchange service charge refers to the charge for basic local telephone service. The charge for xDSL service is in addition to the basic exchange service charge and provides the user with additional, and very different, functionality. ILECs are not reclassifying fees for basic phone service as xDSL charges, so there are no games being played with the definition.

<sup>11</sup> Rhythms NetConnections at 16; see also Covad at 6 (finding DSL to be telephone exchange service would be inconsistent with the Commission’s *GTE ADSL* and *Reciprocal Compensation* orders).

<sup>12</sup> MCI at 18; see also MindSpring at 5 (“the term ‘comparable’ must be given meaning in its broadest sense”; without apparent irony, MindSpring goes on to argue that “[w]ithout the term ‘comparable,’ subparagraph (B) would be almost boundless).

meaning absent contrary congressional intent<sup>13</sup>; “comparable” means only “like or equivalent.”<sup>14</sup>

Under well-established legal principles, DSL-based services are not “like or equivalent” to traditional local exchange services for the reasons discussed above and in GTE’s opening comments – most importantly, they do not provide “any-to-any” connectivity. They are not “functionally equivalent” to telephone exchange service, are “different in ... material functional respect[s],” and they clearly are not perceived by customers as “performing the same functions.”<sup>15</sup>

Even if a more inclusive reading of “comparable service” were theoretically permissible, the phenomenally broad interpretation sought by MCI and others would produce the absurd result – embraced by several commenters – that any communication utilizing the local loop is an exchange service.<sup>16</sup> This cannot be true, since it would require that exchange access be a subset of telephone exchange service – an untenable reading of the statute, given the multitude of instances where Congress distinguished the two terms.<sup>17</sup> Indeed, an ardent proponent of this broad reading of the

---

<sup>13</sup> See *Stanford v. CIR*, 152 F.3d 450 (5<sup>th</sup> Cir. 1998).

<sup>14</sup> Webster’s II New Riverside University Dictionary (Riverside 1984) at 289.

<sup>15</sup> See *MCI Telecommunications Corp. v. FCC*, 917 F.2d 30, 39 (D.C.Cir. 1990).

<sup>16</sup> See, e.g., *Telecommunications Resellers Association* at 14 (“Congress ... expanded the definition of telephone exchange service to encompass seemingly all telecommunications services which originate and terminate within a local exchange or a grouping of such local exchanges.”); *MindSpring* at 6-7, *GSA* at 5.

<sup>17</sup> See, e.g., 47 U.S.C. §§ 251(c)(2)(A) (“for the transmission and routing of *telephone exchange service and exchange access*”); 251(g) (“each local exchange carrier ... shall  
(Continued...)”)

Act, the Telecommunication Resellers Association, cogently explained why such an expansive interpretation cannot be correct:

It is another well-settled tenet of statutory construction that Congress must be assumed to have been acting intentionally and purposefully in selecting the words it used in formulating a statutory provision. Thus, Congress must be presumed to have been aware of distinctions it was making and to have intended to make such distinctions.<sup>18</sup>

In short, the addition of the “comparable service” language “does not suggest that [Congress] intended to expand the type of functionality, as opposed to the type of technology, included within the definition.”<sup>19</sup>

---

(...Continued)

provide *exchange access, information access, and exchange services* for such access”); 259(d) (“the term ‘qualifying exchange carrier’ means a telecommunications carrier that ... (2) offers *telephone exchange service, exchange access, and any other service* that is included in universal service”); 260(a) (“Any local exchange carrier ... that provides telemessaging service (1) shall not subsidize its telemessaging service directly or indirectly from its *telephone exchange service or its exchange access*”); 261(c) (“Nothing in this part precludes a State from imposing requirements ... that are necessary to further competition in the provision of *telephone exchange service or exchange access*”). Congress would not have used these different terms in so many places unless it intended for them to have different meanings; this is particularly evident from the use of the disjunctive “or” in the latter two examples, which would be illogical if exchange access were merely a subset of telephone exchange service.

<sup>18</sup> Telecommunications Resellers Association at 15.

<sup>19</sup> GTE at 8. The few remaining arguments that DSL-based services are telephone exchange service may be readily dismissed. MCI WorldCom, for example, argues that DSL-based services are exchange service because they permit calls between one end user (the initiator of the call) and another end user (the ISP). MCI WorldCom at 17. MCI WorldCom fails to acknowledge, however, that DSL calls to ISPs are jurisdictionally interstate, terminate on the Internet rather than in the local exchange, and do not permit any-to-any communications. Level 3 contends (at 7) that DSL calls are exchange service because they replace local dial-up connections. The Commission, however, has determined that dial-up Internet access is not “telephone exchange service” because the connection is not local; consequently, a replacement for this service cannot be telephone exchange service either. See Inter-Carrier

(Continued...)

**B. DSL-Based Services Used To Access an ISP Are not  
“Exchange Access.”**

The Act states that “exchange access” is provided “for the purpose of the origination or termination of telephone toll services.” As the Commission has acknowledged, ISPs do not provide telephone toll service: “‘telephone toll service’” is a ‘telecommunications service.’ Therefore, by definition, an entity that uses ‘exchange access’ is a telecommunications carrier. Because ISPs do not provide telephone toll services, and therefore are not telecommunications carriers, they are not eligible to obtain exchange access pursuant to section 272(e)(2).”<sup>20</sup> Thus, as Level 3 notes, “DSL services cannot be exchange access when used to connect to an ISP because ISPs do not provide telecommunications service.”<sup>21</sup>

A few commenters nonetheless claim that xDSL used to provide access to an ISP is “exchange access.” For example, CoreComm simply asserts that ISPs provide telephone toll service. However, CoreComm does not and could not distinguish the Commission’s contrary conclusion that ISPs do not provide telephone toll service. For its part, Rhythms erroneously equates the Commission’s finding that GTE’s ADSL

---

(...Continued)  
Compensation for ISP Bound Traffic, CC Docket No. 96-98, FCC 99-38, ¶¶ 12, 16-17 (rel. Feb. 25, 1999).

<sup>20</sup> Implementation of the Non-Accounting Safeguards of Sections 271 and 272 of the Communications Act of 1934, as Amended, 11 FCC Rcd 21905, 22024 (1996).

<sup>21</sup> Level 3 at 4; see also Covad at 1.

offering is akin to special access with a determination that it is also exchange access.<sup>22</sup>

As GTE made clear in its opening comments, special access simply refers to a dedicated circuit. It belongs in the “access service” category, but it may be used to provide either exchange access (when provided to IXC’s) or information access (when provided to ISPs).<sup>23</sup> The Commission has never held, in the *GTE ADSL* order or elsewhere, that all special access is exchange access, and such a holding would not be supportable.

AT&T contends that, even if ISPs do not receive exchange access, the carriers providing underlying telecommunications to the ISP are receiving such access.<sup>24</sup> This is flatly wrong. Access to the ILEC’s local exchange services are provided to the ISP through the DSL offering. There is no intervening telecommunications carrier. There may be underlying carriers providing backbone transport services to the ISP, but the ILEC has no relationship to those carriers and thus is not providing access to them.

\* \* \*

DSL-based services used to access the Internet are neither telephone exchange service nor exchange access.<sup>25</sup> They are “information access” – a term that must be

---

<sup>22</sup> Rhythms NetConnections at 19.

<sup>23</sup> GTE at 8-9 and Attachment 1.

<sup>24</sup> AT&T at 13-14.

<sup>25</sup> In a remarkable tautology, MCI WorldCom argues that (1) an ILEC is an entity that provides exchange or exchange access service, (2) ILECs provide DSL services, and therefore (3) DSL-based services must be either exchange or exchange access. MCI WorldCom at 14. MCI WorldCom commits a classic error of logic: all telephone exchange and exchange access services are provided by LECs, but not all services  
(Continued...)

given meaning, since Congress expressly distinguished this term from both exchange access and exchange service.<sup>26</sup> Tellingly, this is not just a position advanced by ILECs: a leading data CLEC, Covad, stated that “[a]dvanced telecommunications services that use DSL technology to provide high-speed connectivity to the Internet fit squarely within the definition of an information access service.”<sup>27</sup> The Commission therefore should hold that GTE’s ADSL offering and similar advanced services are neither exchange access nor telephone exchange service.

### **III. ADVANCED SERVICES ARE NOT SUBJECT TO A MANDATORY WHOLESALE DISCOUNT.**

Several parties maintain that, even if the Commission agrees with U S West’s definitional analysis, ILECs remain subject to section 251(c) with respect to their advanced service offerings.<sup>28</sup> As GTE stated in the introduction, ILECs will continue to provide interconnection for advanced service providers, access to unbundled and conditioned loops, and collocation of competitors’ advanced service equipment

---

(...Continued)  
provided by LECs are telephone exchange or exchange access.

<sup>26</sup> GTE at 10 (citing cases holding that all terms in a statute must be given meaning). Several parties contend that “information access” was not intended to play a central role in the Act and that it is not separate from the definitions of telephone exchange service and exchange access. See, e.g., Northpoint at 13-14, RCN at 5, Rhythms NetConnections at 13. None of these parties, however, offers a convincing explanation why Congress distinguished these terms or demonstrates that failing to give “information access” independent meaning would be consistent with basic principles of statutory interpretation.

<sup>27</sup> Covad at 8.

<sup>28</sup> See, e.g., AT&T at 3; Northpoint at 3; Covad at 9-14; DSLNet at 3.

regardless of the Commission's decision on the scope of "telephone exchange service" and "exchange access." There is therefore no real disagreement among the parties with respect to these obligations.

In contrast, some disagreement persists regarding applicability of the section 251(c)(4) wholesale discount to advanced services offered by an ILEC. Specifically, the Telecommunication Resellers Association asserts that advanced services are provided at retail because they are offered to "members of the public," and further alleges that denying discounted resale of these services "would destroy the usefulness of resale as a local market entry vehicle."<sup>29</sup> These claims are meritless.

As GTE explained in its opening comments, DSL-based services do not satisfy the plain language of section 251(c)(4)(A) and thus are not subject to mandatory resale discounts even if an entity is an "ILEC" when making these offerings.<sup>30</sup> While the Telecommunications Resellers Association is correct that DSL applications may be purchased by end users, that alone does not demonstrate that they are offered "at retail." As the Commission stated in the *Local Competition Order*, "the mere fact that fundamentally non-retail services are offered pursuant to tariffs that do not restrict their availability, and that a small number of end users do purchase some of these services, does not alter the essential nature of the services."<sup>31</sup> GTE showed in its opening

---

<sup>29</sup> Telecommunications Resellers Association at 5, 8.

<sup>30</sup> GTE noted that the Commission need not rest a decision that ILEC advanced services are excluded from section 251(c)(4) on a determination that such services are not "telephone exchange service" or "exchange access." GTE at 11-14.

<sup>31</sup> Local Competition Provisions of the Telecommunications Act of 1996, 11 FCC Rcd  
(Continued...)

comments that DSL services are merely an input into high-speed Internet access (and other retail offerings). Under the volume discount plans offered by GTE and other ILECs, these services increasingly will be purchased by ISPs for integration into their end-to-end Internet access products. Even when purchased by an end user, GTE's DSL offerings are useless without being connected to an ISP and used as an integral part of that ISP's Internet access service. Consequently, DSL-based Internet access is not subject to wholesale discounts under section 251(c)(4).

In any event, the resellers' claims that the lack of a wholesale discount will "destroy" resale as an entry vehicle are overblown. GTE and other ILECs offer deep volume discounts on their DSL services. Any reseller is free to aggregate volume from its customers, sign up for these discounted offerings and earn a healthy profit by marking up the volume-discounted price. Subjecting these volume discounts to further wholesale discounts (assuming for the moment that there are any avoided costs) would create a powerful incentive to discontinue offering the largest volume discounts. Doing so, of course, would undermine Congress's and the Commission's goal of expanding the deployment and affordability of advanced services. Accordingly, even if the Commission determines that some advanced services may fall within section 251(c)(4), it should forbear from applying the discount requirement for the reasons discussed above and in GTE's opening comments.

---

(...Continued)  
15499, 15935 (1996) (¶ 874).

#### **IV. REQUESTS FOR ADDITIONAL REGULATION ARE UNWARRANTED AND OUTSIDE THE SCOPE OF THIS PROCEEDING.**

A few parties urge the Commission to impose new regulations on ILEC advanced service offerings. For example, Covad asks for a “tariff-based Federal regime for advanced telecommunications services used for Internet access,” under which ILECs would file “tariffs detailing the prices, terms, and conditions under which they would provide interconnection, access to conditioned loops, line sharing, and collocation to providers of such advanced telecommunications services.”<sup>32</sup> This request is outside the scope of this proceeding and inappropriate. Aspects of the relief sought, such as line sharing, are the subject of pending proceedings, and the Act provides that much of what Covad seeks be included in interconnection agreements rather than federal tariffs.<sup>33</sup>

Similarly, DSLNet asks the Commission to regulate DSL pricing, including the allocation of loop costs and the establishment of reasonable prices for conditioned loops. This request is likewise beyond the pale of this proceeding and without merit. ILECs provide DSL services in competition with well-funded CLECs, wireless carriers, and, most notably, entrenched cable companies whose cable modem service enjoys a huge lead in the marketplace. Regulation of ILECs’ DSL rates therefore should be decreased or eliminated, not increased. In addition, there is no basis for requiring ILECs to allocate costs of providing basic telephone service to their advanced service

---

<sup>32</sup> Covad at 19.

<sup>33</sup> See 47 U.S.C. § 252.

offerings, and this issue is being considered in the line-sharing docket in any event. Finally, loop conditioning costs fall within the purview of state regulators, not the FCC. Therefore, these and other requests to impose additional regulation on the ILECs' DSL offerings must be denied.

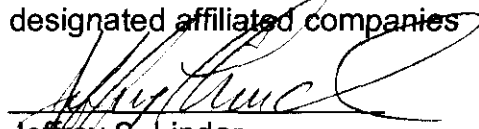
## **V. CONCLUSION**

For the foregoing reasons, and those discussed in GTE's opening comments, the Commission should find that DSL-based advanced services used to access the Internet are information access, not exchange access or telephone exchange service, and that these services are not subject to resale at a mandatory wholesale discount under section 251(c)(4) of the Act.

Respectfully submitted,

GTE SERVICE CORPORATION and its  
designated ~~affiliated~~ companies

By:

  
Jeffrey S. Linder  
WILEY, REIN & FIELDING  
1776 K Street, N.W.  
Washington, D.C. 20006  
(202) 719-7000

Gail L. Polivy  
GTE Service Corporation  
1850 M Street, N.W.  
Suite 1200  
Washington, D.C. 20036  
(202) 463-5214

John F. Raposa  
GTE Service Corporation  
600 Hidden Ridge, HQE03J27  
Irving, Texas 75038  
(972) 718-6969

Its Attorneys

October 1, 1999

## CERTIFICATE OF SERVICE

I, Robin Walker, hereby certify that on this 1<sup>st</sup> day of October, 1999, I caused copies of the foregoing attached Reply Comments of GTE to be sent via hand-delivery or via first-class mail, postage pre-paid to the following:

Robert J. Aamoth  
Kelly, Drye & Warren  
1200 19<sup>th</sup> Street, N.W.  
Suite 500  
Washington, D.C. 20036

John E. Ingle  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Room 8-A765  
Washington, D.C. 20554

Durward D. Dupre  
Southwestern Bell Telephone Company  
One Bell Plaza  
Room 2403  
Dallas, TX 75202

Leon M. Kestenbaum  
Jay C. Keithley  
H. Richard Juhnke  
Sprint Communications Company  
1850 M Street, N.W.  
Suite 1100  
Washington, D.C. 20036

Anthony C. Epstein  
Jenner & Blink  
601 13<sup>th</sup> Street, N.W.  
Washington, D.C. 20005

David W. Carpenter  
Peter B. Keisler  
AT&T Corporation  
1722 Eye Street, N.W..  
Washington, D.C. 20006

Rodney L. Joyce  
Shook, Hardy & Baron  
801 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004

Mark. C. Rosenblum  
Stephen C. Garavito  
James J.R. Talbot  
295 North Maple Avenue  
Basking Ridge, NJ 07920

James D. Ellis  
Southwestern Bell Telephone Company  
175 East Houston  
Room 1218  
San Antonio, TX 78205

Robert B. McKenna  
U.S. West Communications, Inc.  
1020 19<sup>th</sup> Street, N.W.  
Suite 700  
Washington, D.C. 20036

Mark L. Evans  
Kellog, Huber, Hansen, Todd & Evans  
1300 K Street, N.W.  
Suite 1000 West  
Washington, D.C. 20005

Riley M. Murphy  
American Communications, Inc.  
131 National Business Parkway  
Suite 100  
Annapolis, MD 20701

Catherine G. O'Sullivan  
U.S. Department of Justice  
Appellate Section  
601 D Street, N.W.  
Washington, D.C. 20530

David N. Porter  
MCI Telecommunications Corporation  
1133 19<sup>th</sup> Street, N.W.  
Washington, D.C. 20036

Richard S. Whitt  
Senior Policy Counsel  
1801 Pennsylvania Ave., N.W.  
Washington, D.C. 20006

William T. Lake  
John H. Harwood II  
Samir C. Jain  
Mary E. Kostel  
Wilmer, Cutler & Pickering  
2445 M Street, N.W.  
Washington, D.C. 20037

Robert B. McKenna  
U.S. West, Inc.  
1020 19<sup>th</sup> Street, N.W.  
Washington, D.C. 20036

Genevieve Morelli  
Competitive Telecommunications  
Association  
1900 M Street, N.W.  
Suite 800  
Washington, D.C. 20036

Brad E. Mutschelknaus  
Jonathan Canis  
Edward A. Yorkgitis, Jr.  
Kelley, Drye & Warren  
1200 19<sup>th</sup> Street, N.W.  
Suite 500  
Washington, D.C. 20036

Glenn B. Manishin  
Christy C. Kunin  
Lisa N. Anderson  
Stephanie A. Joyce  
Blumenfeld & Cohen – Technology Law  
Group  
1625 Massachusetts Ave., N.W.  
Suite 300  
Washington, D.C. 20036

Jeffrey Blumenfeld  
General Counsel  
Rhythms NetConnections Inc.  
6933 So. Revere Parkway  
Englewood, CO 80112

Ruth M. Milkman  
Charles W. Logan  
Lawler, Metzger & Milkman, LLC  
1909 K Street, N.W.  
Suite 820  
Washington, D.C. 20006

Steven Gorosh  
Michael Olsen  
NorthPoint Communications, Inc.  
303 2<sup>nd</sup> Street  
San Francisco, CA 94107

Charles C. Hunter  
Catherine M. Hannan  
Hunter Communications Law Group  
1620 I Street, N.W., Suite 701  
Washington, D.C. 20006

Richard J. Busch  
Foster, Pepper & Shefelman PLLC  
777 108<sup>th</sup> Avenue, N.E., Suite 1500  
Bellevue, WA 98004-5118

Gary R. Gardner, Executive Director  
Washington Association of Internet  
Service Providers  
9445 37<sup>th</sup> Avenue, S.W.  
Seattle, WA 98126

Jim Kendall, President  
Washington, Association of Internet  
Service Providers  
P.O. Box 3162  
Silverdale, WA 98383

Ronald L. Plessner  
Stuart P. Ingis  
Tashir J. Lee  
Piper & Marbury L.L.P.  
1200 19<sup>th</sup> Street, N.W., 7<sup>th</sup> Floor  
Washington, D.C. 20036

Kent F. Heyman, General Counsel  
Scott A. Sarem, Asst. Vice President  
Richard E. Heatter Asst. Vice President  
MGC Communications, Inc.  
3301 N. Buffalo Drive  
Las Vegas, NV 89129

Alfred G. Richter, Jr.  
Roger K. Toppins  
Michael J. Zpevak  
Tracy A. Parks  
SBC Communications, Inc.  
One Bell Plaza, Room 3021  
Dallas, TX 75202

Julie A. Kaminski  
Prism Communication Services, Inc.  
1667 K Street, N.W., Suite 200  
Washington, D.C. 20006

Richard M. Rindler  
Michael W. Fleming  
Swidler, Berlin, Shereff, Friedman, LLP  
3000 K Street, N.W., Suite 300  
Washington, D.C. 20007

Earl W. Comstock  
John W. Butler  
Sher & Blackwell  
1850 M Street, N.W.  
Suite 900  
Washington, D.C. 20036

Dave Baker  
MindSpring Enterprises, Inc.  
1430 West Peachtree Street  
Suite 400  
Atlanta, GA 30309

Thomas M. Koutsky  
Jason Oxman  
Covad Communications Company  
3560 Bassett Street  
Santa Clara, CA 95054

Jonathan Jacob Nadler  
Brian J. McHugh  
Squire, Sanders & Dempsey L.L.P.  
1201 Pennsylvania Ave., N.W.  
Box 407  
Washington, D.C. 20044

Patrick J. Donovan  
Michael W. Fleming  
Swidler Berlin Shereff Friedman, LLP  
3000 K Street, N.W., Suite 300  
Washington, D.C. 20007

Andrew D. Lipman  
Paul B. Hudson  
Swidler Berlin Shereff Friedman, LLP  
3000 K Street, N.W., Suite 300  
Washington, D.C. 20007

George N. Barclay  
Michael J. Ettner  
General Services Administration  
1800 F Street, N.W., Room 4002  
Washington, D.C. 20405

Russell M. Blau  
Antony Richard Petrilla  
Swidler Berlin Shereff Friedman, LLP  
3000 K Street, N.W., Suite 300  
Washington, D.C. 20007

James L. Casserly  
Casey B. Anderson  
Mintz, Levin, Cohn, Ferris,  
Glovsky and Popeo, P.C.  
701 Pennsylvania Ave., N.W., Suite 900  
Washington, D.C. 20004  
Christopher A. Holt  
CoreComm Limited  
110 East 59<sup>th</sup> Street, 26<sup>th</sup> Floor  
New York, NY 10022

Mitchell Lazarus  
Fletcher, Heald & Hildreth, P.L.C.  
11<sup>th</sup> Floor  
1300 North 17<sup>th</sup> Street  
Arlington, VA 22209-3801

Linda L. Oliver  
Hogan & Hartson  
555 13<sup>th</sup> Street, N.W.  
Washington, D.C. 20004

Mark C. Rosenblum  
AT&T Corporation  
295 North Maple Avenue  
Room 3244J1  
Basking Ridge, NJ 07920

Emily M. Williams  
Association for Local  
Telecommunications Services  
888 17<sup>th</sup> Street, N.W.  
Suite 900  
Washington, D.C. 20006

Michael J. Zpevak  
Southwestern Bell Telephone Company  
One Bell Plaza  
Room 2403  
Dallas, TX 75202

\*Janice Myles  
Common Carrier Bureau  
Policy and Program Planning Division  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W., Room 5-C327  
Washington, D.C. 20554

\*ITS  
1231 20<sup>th</sup> Street, N.W.  
Washington, D.C. 20035

  
Robin Walker

\*BY HAND